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Date: June 22, 2004
To: Office of Publications
Examiner James J. Leybourne
Art Unit: 2881
Fax No.: 703-872-9306
From: Stephen P. Burr
Subject: U.S. Application Ser. No. 10/606,485
Filed: June 26, 2003
Conf. No.: 5643
Title: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS EVALUATION METHOD
Our Ref.: 782_231

You should receive 9 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

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I hereby certify that the following paper(s) is/are being facsimile transmitted to 703-872-9306 at the Patent and Trademark Office on June 22, 2004:

- Second Request For Acknowledgment of Receipt and Consideration of Information Disclosure Statement _1_ page
- Courtesy copy of the Information Disclosure Statement filed March 29, 2004, including copies of the Form PTO-1449, postcard receipt and Express Mail receipt _7_ pages
- This Cover Sheet _1_ page

Total Pages

9

Melissa T. Kuczynski
Melissa T. Kuczynski

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Practitioner's Docket No.: 782_231

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Yasuharu SHIRAI and Hideki ARAKI

Ser. No.: 10/606,485

Group Art Unit: 2881

Filed: June 26, 2003

Examiner: James J. Leybourne

For: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS
EVALUATION METHODDate of mailing of PTOL 85 entitled "Notice of Allowance
and Basic Issue Fee Due" May 18, 2004RECEIVED
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Melissa T. Kuczynski**SECOND REQUEST FOR ACKNOWLEDGMENT OF RECEIPT AND
CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants respectfully request the U.S. Patent and Trademark Office to return an initialed copy of the PTO-1449 filed with Information Disclosure Statement on March 29, 2004, as acknowledgment of receipt and consideration thereof. A courtesy copy of the PTO-1449 and Information Disclosure Statement as well as our postcard receipt, are enclosed.

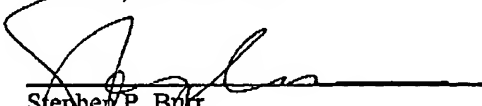
This is the Second time the Examiner has been requested to acknowledge these references.

Should additional copies of the references cited in the Information Disclosure Statement be required, the appropriate Patent and Trademark Office official is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

June 22, 2004

Date


Stephen P. Burr
Reg. No. 32,970

SPB/mtk

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Practitioner's Docket No.: 782_231

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Yasuharu SHIRAI and Hideki ARAKI

Ser. No.: 10/606,485

Art Unit: 2881

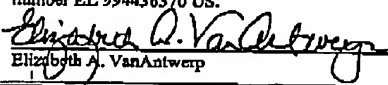
Filed: June 26, 2003

Examiner: James J. Leybourne

Confirmation No.: 5643

For: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS
EVALUATION METHODCommissioner for Patents
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Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 29, 2004 under "EXPRESS MAIL" mailing label number EL 994436370 US.


Elizabeth A. VanAntwerpTRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(c)TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

- (1) a final action under §1.113,
- (2) a notice of allowance under §1.311 or
- (3) an Office Action that closes prosecution.

STATEMENT OR SUBMISSION FEE

2. Accompanying this transmittal is

A. ☒ a statement as specified in 37 CFR §1.97(e).

OR

B. ☐ the submission fee set forth in 37 CFR §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

Fee due: \$00.00

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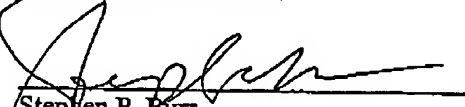
METHOD OF PAYMENT OF FEE

3. ☐ Attached is a check in the amount of \$_____.
☐ Charge Account No. 50-1446 in the amount of \$_____. A duplicate of this request is attached.
4. ☒ If any additional fees are due, please charge Deposit Account 50-1446.

Respectfully submitted,

March 29, 2004

Date


Stephen P. Burr
Reg. No. 32,970

SPE/eav

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Practitioner's Docket No.: 782_231

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Yasuharu SHIRAI and Hideki ARAKI

Serial No.: 10/606,485

Art Unit: 2881

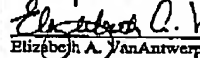
Filed: June 26, 2003

Examiner: James J. Leybourne

Confirmation No.: 5643

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EVALUATION METHODCommissioner for Patents
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Elizabeth A. VanAntwerpCERTIFICATION UNDER 37 CFR §1.97(e)

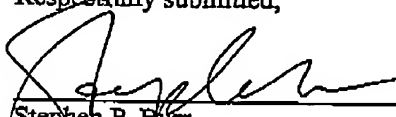
Sir:

☒ Each item of information contained in the Information Disclosure Statement filed
herewith was *first* cited in a communication from a foreign patent office in a
counterpart foreign application not more than three months prior to the filing of this
Information Disclosure Statement.

OR

☐ No item of information in the Information Disclosure Statement filed herewith was
cited in a communication from a foreign patent office in a counterpart foreign
application or, to my knowledge after making reasonable inquiry, was known to any
individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing
of this Information Disclosure Statement.

Respectfully submitted,

March 29, 2004
Date
Stephen P. Burr
Reg. No. 321970**COPY**

SPB/eav

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Practitioner's Docket No.: 782_231

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Yasuharu SHIRAI and Hideki ARAKI

Ser. No.: 10/606,485

Art Unit: 2881

Filed: June 26, 2003

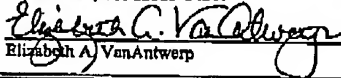
Examiner: James J. Leybourne

Confirmation No.: 5643

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Elizabeth A. VanAntwerpINFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. Copies of each of the references listed on Form PTO-1449 are attached.

Also enclosed is a copy of a European Search Report bearing a mailing date of March 10, 2004 from a corresponding European patent application, and the U.S. PTO is directed thereto for a concise statement of possible relevance of the references cited therein.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of

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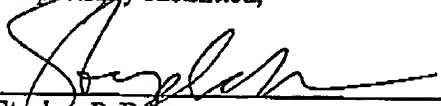
this application, and that these references be made of record therein and appear among the
"References Cited" on any patent to issue therefrom.

The Commissioner is hereby authorized to charge any additional fees associated with
this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

March 29, 2004

Date


Stephen P. Burr
Reg. No. 32,970

SPB/cav

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Form PTO-1449 US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				<i>Complete if Known</i>			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/606,485		
				Filing Date	June 26, 2003		
				First Named Inventor	Yasuharu SHIRAI		
				Art Unit	2881		
				Examiner Name	James J. Leybourne		
				Confirmation No.	5643		
Sheet	1	of	1	Attorney Docket No.	782_231		

U.S. PATENT DOCUMENTS								
Exam. Initial		Document Number	Date	Name	Our Docket No.	Class	Sub Class	Filing Date
	AA	2002/0030160 A1	03-14-2002	Greaves, Roderick G.				

U.S. CO-PENDING APPLICATIONS							
Exam. Initial		Application/ Publication Number	Filing/ Publication Date	Inventor Name	Our Docket No.	Class	Sub Class

FOREIGN PATENT DOCUMENTS								
		Document Number	Date	Country	Class	Sub Class	Translation	Abstract
	AB	2001-116706 A1	04-27-2001	JP			JPO Machine Translation	✓
	AC	05-288694 A1	11-02-1993	JP			JPO Machine Translation	✓

OTHER DOCUMENTS		COPY
(Including Author, Title, Date, Pertinent Pages etc.)		
AD	Barbieri, et. al., "Nondestructive Positron-Lifetime Measurements During Fatigue of Austenitic Stainless Steel Using a Mobile Positron Beam," Applied Physics Letters, American Institute of Physics, NY, Vol. 77, No. 12, 18 September 2000, pages 1911-1913, XP000964231.	

Examiner:		Date Considered:	
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with each communication.

PAGE 9/9 * RCVD AT 6/22/2004 11:10:42 AM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-1/1 * DNIS:8729306 * CSID:3152338320 * DURATION (mm-ss):03-40